

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

KIMBERLY H.,

Plaintiff,

v.

CIVIL ACTION NO. 3:24-0228

FRANK BISIGNANO,
Commissioner of Social Security,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that this Court deny Plaintiff's request for judgment on the pleadings (ECF No. 6); grant Defendant's request to affirm the decision of the Commissioner (ECF No. 8); and dismiss this action from the docket of the Court. No objections to the Magistrate Judge's findings and recommendation have been filed.


Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's request for judgment on the pleadings (ECF No. 6); **GRANTS** Defendant's request to affirm the decision of the Commissioner (ECF No. 8); and

¹ Frank Bisignano became the Commissioner of Social Security on May 7, 2025, and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). *See also* Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (stating action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

DISMISSES this action from the docket of the Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 15, 2025



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE